

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.6160 of 2007

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Date: March 26, 2007  
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Between:

Dr.Bh.Brahmananda Rao,  
son of Sri Chandrasekhar Rao,  
aged 56 years, R/o H.No.2-7-1064,  
Kanakadurga Colony, Waddepalli,  
Warangal District.

... Petitioner.

And

1. The Government of A.P.,  
rep. by the Director of Collegiate Education,  
Hyderabad and 4 others.

... Respondents.

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**ORDER:**

This writ petition is filed seeking Mandamus to declare the circular dated 21.3.2007 fixing the *inter se* seniority between the petitioner and 5<sup>th</sup> respondent, as illegal, arbitrary and violative of principles of natural justice and further to declare that the proceedings of the Governing Council dated 17.3.2007 for fixation of *inter se* seniority list of the lecturers, as arbitrary and illegal.

2. The only grievance of the petitioner is that earlier in the year 2005 the sub-committee consisting of Vice-President, Government Nominee, Principal and Secretary of Chanda Kanthaiah Memorial Arts and Science College, Warangal, at para 3 of its report decided the seniority between the petitioner and respondent No.5. However, when that was not given effect to, the petitioner made a representation on 08.9.2006 and further made a representation before the Director of Collegiate Education, A.P., Hyderabad. In turn, the Director of

Collegiate Education, A.P., Hyderabad, by his memo dated 12.9.2006 forwarded the representation filed by the petitioner to the third respondent college for remarks on the said representation along with relevant copies of documents immediately for taking further action in the matter. While that was pending, a circular dated 21.3.2007 was issued by the College stating that the Governing Council of the college committee in its meeting held on 17.3.2007 approved the seniority list of the staff members on rolls, whereunder the name of the 5<sup>th</sup> respondent was shown at serial No.2 and the petitioner was shown at serial No.4.

3. According to the petitioner, a plain reading of the recommendations of the sub-committee looking after general seniority of the teaching staff and the representation would reveal that the petitioner was senior to the respondent No.5, whereas, the petitioner was shown at serial No.4 in the circular dated 21.3.2007. The circular does not reveal whether it had taken into consideration the recommendations of the sub-committee or not and the petitioner was not given any notice of any kind before issuance of the circular. In the result, the 5<sup>th</sup> respondent was appointed as Vice-Principal of the college on 17.3.2007. *Prima facie* it appears that no notice of any kind was issued to the petitioner before issuing the circular which indicates that there was a meeting on 17.3.2007 and seniority was decided.

4. Under those circumstances, the writ petition is disposed of directing the first respondent to dispose of the representation filed by the petitioner on 08.9.2006 and call for entire records as per his memo dated 12.9.2006 from the respondents and decide the seniority between the petitioner and respondent No.5 as per law within a period of six weeks from the date of receipt of this order and the promotion of the respondent No.5 as Vice-Principal shall be subject to the decision to be taken by the Director of Collegiate Education, A.P., Hyderabad.

The petitioner as well as respondent No.5 shall be put on notice before passing final orders. However, the authority shall not consider any further promotion of the respondent No.5 during pendency of consideration of seniority by the Director of Collegiate Education. No costs.

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(C.V.RAMULU, J.)

Date: March 26, 2007.

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